

EXHIBIT D



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January 31, 2021

VIA E-MAIL

John Hughes, III
Atara Miller
Grant Mainland
MILBANK LLP
55 Hudson Yards
New York, New York 10001

Re: In re Fin. Oversight & Mgmt. Bd., No. 17-BK-3283-LTS –Commonwealth Assets Rule 2004 Requests

Counsel:

I write in connection with Ambac's Assets Rule 2004 Motion [ECF No. 9022] ("Assets 2004 Motion"), in response to your January 11, 2021 and January 29, 2021 letters, and as a follow up to our January 19, 2021 and January 26, 2021 letters. By repeating Ambac's headings, AAFAF does not reflect any acceptance or agreement by AAFAF that the materials sought are within the scope of Ambac's original requests or within the acceptable bounds of Rule 2004 discovery.¹

Category No. 1: Assets (current and transferred/encumbered)

- *Documents sufficient to show, from January 1, 2015 to the present, the alienation or encumbrance of any assets held by the Commonwealth or its instrumentalities.*
- *A list of the Commonwealth's current assets.*

Prioritized Commonwealth Assets. Today we produced documents pertaining to properties 10, 26, 33, and 35 on Ambac's March 16, 2020 list.² For the remaining properties (12, 14-15, 17, 19, 22-23, and 36), HTA and PBA conducted a reasonable search and no responsive documents were identified. AAFAF is assessing whether responsive materials may be located in the Department of Justice's digital registry,³ and will provide an update by the end of the week. In the meantime, if Ambac is able to provide the registry property numbers for the remaining properties, that would expedite AAFAF's search.

¹ Today we produced an overlay file to ensure that the metadata of documents that we redacted for personally identifying information in our January 26, 2021 production reflect that the documents have been redacted.

² ASSETS_2004_0003215 - ASSETS_2004_0003252, ASSETS_2004_0003310 - ASSETS_2004_0003321, ASSETS_2004_0003639 - ASSETS_2004_0003658.

³ AAFAF disclosed the registry to Ambac in its June 19, 2020 letter.

AAFAF Assets Review. AAFAF has followed up with the Prioritized Commonwealth Entities⁴ regarding their properties. Today, AAFAF produced documents received from the Government Development Bank for Puerto Rico, the Puerto Rico Aqueduct and Sewer Authority, and the Puerto Rico Trade and Export Company in response to the November 25, 2019 AAFAF letter on behalf of CEDBI.⁵ AAFAF has produced all responses to the November 25, 2019 letter received to date. In addition, AAFAF also produced property lists from the records of the Puerto Rico Public Buildings Authority, the Puerto Rico Land Authority, the Puerto Rico Industrial Development Company, the Puerto Rico Department of Transportation and Public Works, and the Puerto Rico Highways and Transportation Authority as they exist in those entities' records.⁶ These lists have not been certified for current accuracy, and the entities reserve all rights to review and/or update these lists in the ordinary course. AAFAF has requested a property list and has followed up regarding a response to the November 25, 2019 letter from the Puerto Rico Land Administration.

Ad Valorem Taxes / Tax Arrears. AAFAF continues to object that discovery into CRIM's revenues and accounts receivable is beyond the scope of permissible 2004 discovery from the Commonwealth. Nevertheless, in the spirit of compromise, AAFAF has worked with CRIM to identify and produce readily accessible materials, and provides the following updates on Ambac's outstanding requests.

Regarding Ambac's request for valuations prepared as part of the 2017 third-party offer to purchase CRIM's tax arrears portfolio, AAFAF produced the offer on January 19, 2021.⁷ After having conducted a reasonably diligent search, CRIM has not located any related valuations or similar diligence materials.

With respect to Ambac's request for owner- and property-specific tax accounts receivable information as set forth in Ambac's July 30, 2020 email, and expanded upon in new requests set forth in Ambac's January 11, 2021 letter, AAFAF has produced the readily available responsive accounts receivable reporting received from CRIM.⁸

Regarding the request in your January 11, 2021 letter for "CRIM's property tax collections for FY 2020, including current real property tax collections, delinquent real property tax collections, current collection rate, and total collection rate," AAFAF directs Ambac to the publicly available monthly Hacienda reporting disclosed in our August 6, 2020 letter.⁹

Finally, with respect to the requests in your January 11, 2021 letter seeking additional information regarding statements in the CRIM fiscal plan and information regarding tax liens, AAFAF is continuing to investigate what materials are readily available.

⁴ The term "Prioritized Commonwealth Entities" has the meaning ascribed in your November 25, 2020 letter.

⁵ ASSETS_2004_0003123, ASSETS_2004_0003253 - ASSETS_2004_0003309, ASSETS_2004_0003322.

⁶ ASSETS_2004_0001794, ASSETS_2004_0002529, ASSETS_2004_0003325, ASSETS_2004_0003659 - ASSETS_2004_0004002.

⁷ ASSETS_2004_0002273.

⁸ ASSETS_2004_0002154, ASSETS_2004_0002373 - ASSETS_2004_0002528.

⁹ <http://www.hacienda.gobierno.pr/inversionistas/estadisticas-y-recaudos-statistics-and-revenues/ingresos-netos-al-fondo-general-general-fund-net-revenues>.



Sincerely,

/s/ Elizabeth L. McKeen

Elizabeth L. McKeen